

In re Application of Dent

Filed: July 26, 2000

Attorney's Docket No: 4015-424

Patent Pending

Examiner: Lee Nguyen

Group Art Unit: 2682

Raleigh, North Carolina

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Petition to Review Restriction Requirement Under 37 C.F.R. §1.144

Pursuant to 37 C.F.R. §1.144, Applicant herewith Petitions that the Commissioner review the restriction requirement. While no fees should be required for this petition, the Patent Office is authorized to charge any required fees to Deposit Account 18-1167.

In an Office Communication dated 15 January 2003, the Examiner asserted that the application included two distinct inventions. Group I included claims 1-35 while Group II included claims 36-50. In a response dated 10 February 2003, Applicant elected the claims in Group I with traverse. In an Office Communication dated 2 May 2003, the Examiner upheld the restriction requirement. As such, Applicant petitions the Commissioner to reconsider and withdraw the restriction requirement.

The Patent Office may require restriction between two sub-combinations disclosed as usable in a single combination if at least one of the sub-combinations can be shown to be

separately usable. "The examiner must show, by way of example, that one of the sub-combinations has utility other than in the disclosed combination." *MPEP 806.05(d)*.

In the Office Communication dated 15 January 2003, the Examiner asserts that the invention claimed in Group I, claims 1-35, is drawn to antenna diversity while the invention claimed in Group II, claims 36-50, is drawn to multiplexing. According to the Examiner, the claims of Group II have "separate utility, such as multiplex communication." Applicant respectfully disagrees. Independent claim 36 includes "a plurality of feeder link antennas that receive feeder link signals from said at least two ground stations." Similarly, independent claim 41 includes "a feeder link antenna for receiving feeder link signals from said at least two ground stations." Therefore, while claims 36 and 41 (Group II) both include multiplexer/demultiplexer features, they are also drawn to antenna diversity.

Independent claim 47 includes "receiving at said satellite the overlapping sum of said feeder link signals from said second plurality of ground stations." Similarly, independent claim 50 includes "coupling the amplified signals...to the feeds of a multiple-feed reflector antenna..." Again, while claims 47 and 50 (Group II) both include multiplexing/demultiplexing features, they are also drawn to antenna diversity. Because claims 1-35 (Group I) and claims 36-50 (Group II) are all drawn to antenna diversity, claims 1-50 are drawn to a single inventive concept. Therefore, the restriction requirement is improper.

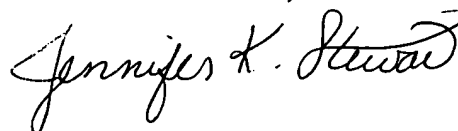
In the Office Communication dated 2 May 2003, the Examiner upheld the restriction requirement. The Examiner asserted that the restriction was proper because the claims of Group I "require polarization diversity and do not require multiplexing," while the claims of Group II "require multiplexing and do not require polarization diversity." However, as discussed above, both groups of claims are drawn to antenna diversity, a fact that the Examiner did not address in the follow-up communication. As such, Applicant reiterates that claims 1-35 (Group I) and claims 36-50 (Group II) are drawn to a single inventive concept. Therefore, the restriction is improper and should be withdrawn.

For the foregoing reasons, the Commissioner is respectfully urged to reconsider and withdraw the restriction requirement. If any issues remain unresolved, Applicant asks that the Commissioner call the undersigned attorney so that any such issue may be expeditiously resolved.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

By:



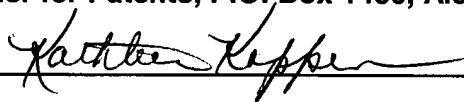
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10/7/03